

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
QUALCOMM INCORPORATED)	WT Docket No. 05-7
Petition for Declaratory Ruling)	

REPLY COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (APCO) hereby submits the following brief reply comments regarding the above-captioned Petition for Declaratory Ruling filed by Qualcomm Incorporated (“Qualcomm”), seeking clarification of the Commission’s rules in Part 27 regarding interference between Lower 700 MHz Band licensees and incumbent television broadcast stations. APCO urges that the relief sought in Qualcomm’s Petition should also to apply to the Commission’s Part 90 rules regarding interference between Upper 700 MHz Band Public Safety licensees and television broadcasters.

APCO is the nation’s oldest and largest public safety communications organization. Most of APCO’s 16,000 members are state or local government personnel who manage and operate communication systems for police, fire, emergency medical, highway maintenance, forestry conservation, homeland security, and other public safety agencies. APCO is a certified frequency coordinator for Part 90 Public Safety Pool channels, and often appears before the Commission on matters related to public safety communications. APCO is also a member of the National Public Safety Telecommunications Council (NPSTC), and supports its separate reply comments being filed in this proceeding.

Pursuant to the Balanced Budget Act of 1997, the Commission has reallocated 764-776/794-806 MHz from the Upper 700 MHz Band for public safety communications. However, pending completion of the digital television (DTV) transition, public safety licensees' use of that spectrum is blocked completely in some areas, and severely limited in others, as they must prevent interference to incumbent television stations, as specified in Section 90.545 of the Commission's rules. A similar rule, Section 27.60, applies to new commercial wireless services in the Lower 700 MHz Band, which also continues to be occupied by incumbent television stations.

Qualcomm, a commercial wireless licensee in the Lower 700 MHz Band, is asking the Commission to clarify that the interference analysis required by Section 27.60 should be based upon the process contained in Office of Engineering and Technology Bulletin No. 69 ("OET-69"). Qualcomm also requests that the Commission establish a *de minimis* threshold of 2% as an acceptable standard for interference under Section 27.60. Finally, Qualcomm proposes streamlined procedures for applying the relevant rules. These clarifications would only apply to off-air television reception, and only for the limited duration of the DTV transition.

APCO urges that the clarifications sought by Qualcomm also apply to public safety licensees' obligations to prevent interference in the Upper 700 MHz Band. At present, public safety use of that spectrum is blocked in much of the nation, especially in major metropolitan areas, where the need for expanded public safety communications is the greatest. Spectrum is required to alleviate dangerous congestion on existing public safety radio systems, to promote better interoperability between first responders in the

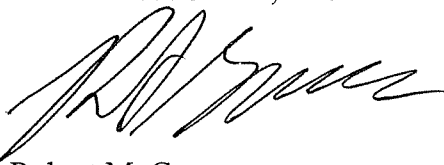
field, and to facilitate deployment of communications tools that are becoming increasingly important for the protection of life, health and property.

Use of OET-69 in applying 90.545, along with a 2% *de minimis* television interference standard, could greatly expand the opportunities for public safety agencies to initiate critical operations in the 700 MHz band.¹ Such rule clarifications would provide a more precise and realistic mechanism to measure the actual potential for interference. Otherwise, the rules will rely upon arbitrary calculations that provide excessive protection, while limiting public safety use of the spectrum.

Therefore, for the reasons stated above, the Commission should apply OET-69 and a 2% *de minimis* interference for purposes of Section 90.545.

Respectfully submitted,
ASSOCIATION OF PUBLIC-SAFETY
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¹ However, even with such a rule clarification, significant areas will still be blocked in part or in whole by incumbent broadcast operations. Nationwide availability of the entire 24 MHz allocated for public safety will only occur with the clearing of all incumbent broadcast stations from the relevant spectrum.